

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COMAPER CORPORATION :  
: :  
Plaintiff, : : CIVIL ACTION NO. 05-1103  
v. : :  
: :  
ANTEC, INC., BEST BUY CO., INC., : : Honorable Petrese B. Tucker  
AND MICRO ELECTRONICS, INC., : :  
: :  
Defendants. : :

**PLAINTIFF COMAPER CORPORATION'S MOTION TO STRIKE**

Plaintiff, Comaper Corporation, by and through the undersigned counsel, hereby moves this Court to strike Defendants' Opposition to Plaintiff's Motion for Reconsideration under Federal Rule of Civil Procedure 59(e) of Order Denying Enhanced Damages on December 31, 2008 (Docket No. 130).

Plaintiff filed its Motion for Reconsideration on December 31, 2008, Defendants filed their Opposition on January 14, 2009, and the Court denied Plaintiff's Motion on January 21, 2009. Further, the case is currently on appeal in the Court of Appeals for the Federal Circuit. Now, almost seven months after the issue was decided, Defendants have decided to file yet another Opposition to Plaintiff's Motion for Reconsideration.

The Court should strike this second filing as being moot and/or untimely.

Respectfully submitted,

Dated: August 13, 2009

/s/Stephen J. Driscoll

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: Defendants. :  
:

**ORDER**

It is hereby ORDERED that Plaintiff's Motion to Strike Defendants' Opposition to Plaintiff's Motion for Reconsideration under Federal Rule of Civil Procedure 59(e) of Order Denying Enhanced Damages on December 31, 2008 (Docket No. 130) is GRANTED.

Dated: \_\_\_\_\_

Honorable Petrese B. Tucker, USDJ